



Regular Council Meeting

To:	Mayor and Council
Date:	September 21, 2020
From:	Elana Arthurs, Corporate Services Department
Report Number:	Corporate Services 2020-20
Subject:	Off-Road Vehicle Route and Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways

Recommendations:

1. That Council provide direction to Staff on the proposed route from the Victoria Rail Trail to the Ganaraska Forest; and
2. That Council provide direction to Staff on how to proceed with addressing the changes to Regulation 316/03 in the Township of Cavan Monaghan.

Overview:

At the Regular Council Meeting held on January 13, 2020 Council passed the following resolutions:

1. That Council direct staff to send a letter to the Council of the City of Kawartha Lakes requesting a formal position on using boundary roads for the off-road vehicle route from the Victoria Rail Trail to the Ganaraska Forest.
2. That Council direct staff to send a letter to the Ministry of Transportation requesting a formal position on off-road vehicles crossing over Highway 115 as identified in the route from the Victoria Rail Trail to the Ganaraska Forest.

The City of Kawartha Lakes

Staff received a response from the City of Kawartha Lakes on September 1, 2020 indicating they adopted the following resolution:

That Report RD2020-007, Use of Off Road Vehicles on Boundary Roads, be received;

That Council supports the request from the Township of Cavan Monaghan to allow the use of ATV's on designated sections of Dranoel Road and Glamorgan Road based on a one year pilot project for the 2020-2021 season; and

That if chosen as the final route by the Township of Cavan Monaghan, that By-law 2019-077 be amended and brought forward to Council for adoption.

The Ministry of Transportation (MTO)

Staff contacted the Ministry of Transportation requesting a position on the portion of the route that crosses Highway 115, and received an email indicating the following;

“For a highway freeway corridor such as Highway 115, as you know, MTO does not permit ATVs on the highway, nor would we permit this scenario if the proposal was to come through a freeway interchange.

As your proposal is asking about the ATV using a freeway flyover and since the ATV would have no access to the freeway, MTO does not have concerns with this request provided that it has municipal support. Although owns the flyover structure, the flyover is maintained by the municipality. No permit is required by MTO for this.”

The County of Peterborough

Staff consulted with the County of Peterborough on their current position with off-road vehicle use on County Roads. We were advised of the following:

1. Currently there are no County Roads within the Township of Cavan Monaghan where off-road vehicles are permitted.
2. There would be no authority at this time to cross over a County Road as part of an identified route in the Township.
3. They are currently undertaking an update of the County's Transportation Master Plan. Paradigm Transportation Solutions Ltd. has been engaged by the County to assist with this update, with the intent to complete the study by June 2021.

Township Staff were advised by County Staff that a component of the County's Transportation Master Plan update is to review the use of off-road vehicles on County Roads. The review process will involve public information centers and presentations to the eight (8) lower tier Municipal Councils in relation to the use of off-road vehicles on County Roads.

County Staff recommended that Cavan Monaghan defer any request to use or cross County Roads in the Township of Cavan Monaghan to permit the completion of the Transportation Master Plan update.

A link to the County of Peterborough Transportation Master Plan is provided below for your information.

<https://www.ptbocounty.ca/en/living/transportation-master-plan.aspx#>

Legislative Changes

On June 6, 2019 Bill 107 - Getting Ontario Moving Act, received Royal Assent, a portion of that Bill deals with changes to Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways.

These changes have two effective dates: one set of changes became effective as of July 1, 2020 and the second set of changes are proposed to take effect January 1, 2021.

In addition to making a decision on the proposed route, Staff is requesting that Council provide direction on addressing the legislative changes as outlined below.

Effective July 1, 2020, the province expanded the type of ORVs permitted on-road. The change includes:

- Allowing Extreme Terrain Vehicles (XTVs), as well as Off-Road Motorcycles (ORMs) on the shoulder of public roads, where permitted.
- XTVs are off road vehicles with six or eight wheels all in contact with the ground -
- ORM's are off road vehicles with two wheels in contact with the ground.

Additional information is provided for further explanation in Attachments #3, #4 & #5 to this report.

Effective January 1, 2021, in municipalities listed in Ontario Regulation 8/03, which does include the Township of Cavan Monaghan, off-road vehicles will automatically be allowed on municipal roads unless the municipality creates a by-law to prohibit or restrict their use.

The Township of Cavan Monaghan will be affected by this future change. Should the Township wish to restrict or prohibit ORV use on the roads once provincial regulations are enacted, a by-law would need to be adopted.

It is imperative that Council determine the direction they wish to go, and if a by-law is required, so staff can prepare one and have it adopted prior to January 1, 2021.

Financial Impact:

There is no financial impact at this time.

Attachments:

1. Report – Corporate Services 2020-02-Update-Off Road Vehicle Route from the Victoria Rail Trail to the Ganaraska Forest
2. Map of Off-Road Vehicle route connecting the Victoria Rail Trail to the Ganaraska Forest along the west side of the Township of Cavan Monaghan
3. Letter Off-Road Vehicle Changes
4. Off-Road Vehicle Guidance
5. Off-Road Vehicle Placemat

Respectfully submitted by,

Reviewed by,

Elana Arthurs
Clerk

Yvette Hurley
Chief Administrative Officer



Regular Council Meeting

To:	Mayor and Council
Date:	January 13, 2020
From:	Elana Arthurs, Corporate Services Department
Report Number:	Corporate Services 2020-02
Subject:	Update - Off Road Vehicle Route from the Victoria Rail Trail to the Ganaraska Forest

Recommendations:

1. That Council direct staff to send a letter to the Council of the City of Kawartha Lakes requesting a formal position on using boundary roads for the off-road vehicle route from the Victoria Rail Trail to the Ganaraska Forest.
2. That Council direct staff to send a letter to the Ministry of Transportation requesting a formal position on off-road vehicles crossing over Highway 115 as identified in the route from the Victoria Rail Trail to the Ganaraska Forest.

Overview:

At the Regular Council Meeting held on July 2, 2019 Council passed the following resolution:

That Council direct staff to schedule an evening Public Meeting no later than the end of September to gather public input and consultation on the proposed north/south off-road vehicle route connecting the Victoria Rail Trail to the Ganaraska Forest along the west side of the Township of Cavan Monaghan.

A Special Council meeting was held on September 17, 2019 where Council and the public received a presentation from Staff on a proposed off road vehicle route connecting the Victoria Rail Trail out of Bethany to the Ganaraska Forest along the west side of the Township. The meeting was open for the public to speak on the proposed route and approximately 300 people were in attendance.

Council received comments from approximately 50 speakers with about half being in favour and half opposed. Those that spoke addressed issues of concern including traffic, speed, safety and noise and those in favour spoke to the enjoyment of the trails, increased property values and economic benefits to the Township.

Since the meeting comments and questions have been received via email with the majority of the submissions being opposed to allowing off road vehicles on the proposed route. A variety of questions were submitted, many of which had similar themes, so they

have been grouped together, where appropriate, and staff have answered and summarized them in the chart below.

	Questions	Answers
1.	Has the Township taken into consideration the effect of home values of those with homes on a designated ATV route within the Township?	There has been information received from both sides those that believe a trail will increase the value and those that do not. Staff have not identified any research or numbers to confirm whether either is accurate as staff are not qualified real estate experts.
2.	Has the Township considered just completely opening up ATV use within the Township, so not just some residents take on all the ATV use?	Future information will be provided to Council as the legislative and regulatory amendments are established in Bill 107, as identified in this report. Additional information on the legislation may be provided as it becomes available.
3.	Who is taking on the liability of a collision?	All legal off road vehicles are licensed and individually insured and liability will fall to the at fault driver. Similar to auto collisions, if it is determined that the conditions contributed to the accident the municipality could held partially liable.
4.	Does the Township have any concerns for pedestrian traffic to and from the trail systems off of Carveth/4 th Line	Multi-use trails are becoming common in other areas, including pedestrian and motorized vehicle traffic. The proposed off road vehicle route does not intersect with this pedestrian trail, although staff has requested comments from our insurance broker and our municipal solicitor to ensure that all risks are brought to the attention of Council for consideration.
5.	Where are the studies to support that off road vehicles would bring in tourism?	Staff have contacted other municipalities and were told there was some economic benefit as would be when you bring people into an area that would not normally be there. Staff were not able to find any quantifiable numbers on the economic benefits of this type of traffic.
6.	Has Council considered the losses in jobs and revenues that would result from the demise of the 4 th Line Theatre.	The proposed off road vehicle route does not impact the 4 th Line Theatre.
7.	Is this a money making venture for you?	There is no expected financial benefit to the Township in allowing the proposed route for off road vehicles by Council.
8.	Is there no other course these riders could use?	Staff was directed to establish a route from the Victoria Rail Trail in Bethany to the Ganaraska Forest along the westerly limits of Cavan Monaghan. Based on the research and recommendation of staff, the proposed route was provided to Council. Council could direct staff to do some additional research on an

		alternative route at which time a report would be provided to Council on those options.
9.	Who is responsible for damages (personal or property) or injury to the rider occurring on one's private property?	The proposed off road vehicle route is solely restricted to municipal road allowances, roads and County roads. There is no recommendation to access private property.
10.	Who will enforce speed limits for off road vehicles?	The Peterborough Police are contracted to provide Police Services in the Township and would be required to enforce speed limits for all vehicles.
11.	Who will maintain road maintenance?	Township staff would be required to maintain the proposed off road vehicle route.
12.	Glamorgan Road is a boundary road between Cavan Monaghan and City of Kawartha Lakes, therefore does any extra maintenance fall on a particular Township?	Currently Glamorgan Road is maintained by the City of Kawartha Lakes in a Township Boundary Road Agreement.
13.	Who will enforce the use of ATV's and dirt bikes on our roadways?	The Peterborough Police are contracted to provide Police Services in the Township and would be required to enforce use of off road vehicles.
14.	Who will ensure that operators of these vehicles have the necessary insurance.	The Peterborough Police are contracted to provide Police Services in the Township and would be required to enforce insurance requirements of off road vehicles.
15.	How many more vehicles does Council anticipate?	Staff is not able to effectively respond to this question.
16.	Will you investigate whether this is part of a bigger plan supported by the Province or the Province and off-road vehicle associations?	This would require Council direction.
17.	How much is the Province committing to this type of recreation?	Potential funding and/or grants have not been announced at this time.
18.	How much will Council budget for adequate policing and other acts of due diligence related to Cavan Monaghan roads with increased use by off road vehicle on this route?	The Peterborough Police are contracted to provide Police Services in the Township and would be required to include off road vehicle to comply with the laws within their existing contract.

The recently passed Bill 107 – Getting Ontario Moving Act makes changes to permitting off road vehicles on municipal roads unless a by-law is adopted to restrict off road vehicles by Council. Bill 107 received Royal Assent in 2019 although additional legislative and regulatory amendments are required to implement changes to off road vehicle use in the province. Representatives from the Ministry of Transportation indicated amendments to Highway Traffic Act (HTA) Regulation 316/03 and Off-Road Vehicle Act Regulation 863 still need to be prepared and filed to allow off-road vehicle access to roads within certain municipalities (where the 80 km/h default speed limit

applies). An 18 to 24-month transition period is necessary to allow time for the regulations to be developed and, more importantly, allow municipalities that wish to restrict or prohibit off-road vehicle access on roads within their jurisdictions the time needed to study the issue and prepare by-laws accordingly. It was also noted that such by-laws cannot take effect until the regulatory amendments are proclaimed into force. This is anticipated to be on January 1, 2021.

Staff contacted the Ministry of Transportation requesting a position on the portion of the route that crosses Highway 115, although no response had been received at the time of this report.

Staff contacted the City of Kawartha Lakes requesting a position on the use of boundary roads, although no response had been received at the time of this report.

On October 25, 2019 Staff met with Robin McCleave, Senior Vice President-Risk Manager of JLT Canada Inc., the Township's Insurance Broker, and drove the proposed route for her review and comments which are provided below.

"There were two roads in particular that did raise some concern from a risk management perspective and they are:

1. The public road the off-road vehicle group would like to use to get to the entrance of the Unopened Road Allowance / Fire Route that stops at the railway tracks and into the Ganaraska Forest. For reference purposes please see my comments below – "Dranoel Road".
2. Travelling from a Township road onto a County road, including a bridge over 115 and a long curve before turning right onto a Township road. For reference purposes please see my comments below "ROAD B".

Dranoel Road

Based on there being no shoulders and limited sight lines, it would be difficult from a risk management perspective to recommend the use of this section of Dranoel Road as a route for off-road vehicle users. My suggestion would be to consider looking at potential alternate routes for off-road vehicle users to get to this section of the forest. However, if it was decided to move forward and allow the use of off road vehicles on Dranoel Road, at a minimum my recommendation would be to erect –

- warning signs advising drivers they are sharing the road with off-road vehicles;
- curve signs;
- signs advising what the speed limit should be; and
- ensure that the trail identified as needing to be cleared of brush be completed on an ongoing basis.

Road B

This section of road forms part of a snowmobile trail signed by a snowmobile club, and therefore an assumption was made that an off-road vehicle user would consider using the same section of road because it is already being used by snowmobilers.

At this section there are no shoulders and if there were two vehicles coming from different directions, and an off-road vehicle on the bridge at the same time, there would be limited room for each vehicle to safely manoeuvre while travelling on the bridge. Any

oncoming vehicles would have to slow down, it would not be safe to pass due to reduced sight lines.

To conclude, this may not be an issue for the Township because the section of the road that causes the most concern is a County Road. However, the off-road vehicle driver will be leaving your road to go onto the County Road, and if there was a loss at that intersection it is likely that the Township would be named in a suit. Therefore the Township may wish to not allow off-road vehicles on the Township road that would take the driver to the County Road. Potentially it may be possible work with the snowmobile and off-road vehicle clubs to try and find an alternate route that is safer all users.

Considerations when deciding which roads to allow the use of off-road vehicles

Anytime a municipality is considering which roads are best suited for off-road vehicle use, it is our recommendation that the following be taken into consideration:

- Does your municipality have the staff to manage their increased maintenance responsibilities? If there is a loss the courts would look to maintenance/inspection records to see what standards were being met at the time of the accident.
- How safe is the roadway that is being contemplated for this use:
 - a. Is it flat with no curves, does it have clear sight lines.
 - b. The distance that the off-road vehicles are allowed to travel.
 - c. Type of road e.g. paved or gravel.
 - d. How busy is the roadway?
 - e. Based on the type of road which minimum maintenance standards (MMS) apply.
 - f. off-road vehicles are to travel on the shoulder unless it is deemed by the driver of the off-road vehicle that the shoulder is unsafe. Depending on the speed the off-road vehicle is travelling at, and how quickly a judgement call needs to be made by the driver of the off-road vehicle, the off-road vehicle could suddenly be on a roadway with little warning to other vehicles travelling on the road. Therefore it is important that the shoulders on the road are wide enough and properly maintained to reduce any need for the driver of the off-road vehicle to move from the shoulder to the road.

For information purposes below is the link to the MMS and the section that pertains to shoulders:

<http://www.canlii.org/en/on/laws/regu/o-reg-239-02/latest/o-reg-239-02.html>

Unopened Road Allowances also designated as Fire Routes

Below is a synopsis of my observations while travelling through the various sections of the Ganaraska Forest located on Township property:

- There were Township signs advising the public “Fire Route 101, Unopened Road Allowance, Use at Own Risk”.
- I did not see any signage advising/warning the public that along with the URA being a Fire Route, it was also a multi-use recreational trail used by:
 - snowmobilers,
 - off-road vehicles,
 - motorbikes,

- horseback riders
 - pedestrians
 - cyclists
- There was a section of the unopened road allowance / fire route being used by two private property owners to get to their sites. One of these sites is used for horses, their horse trailer and camping.
 - A logging company is using the unopened road allowance/fire route for their vehicles and equipment to get to sites where they are cutting down trees and parking their equipment.
 - Private passenger vehicles (PPV) have also been known to travel on the unopened road allowance/fire route – there was no signage stating PPV's were prohibited.
 - Sections of the forest are being used for hunting and any signage –
 - was not consistent;
 - at times difficult to read;
 - did it articulate where you could and could not hunt; and
 - did not articulate what times during the year the forest could be used for hunting.

From a risk management perspective my recommendation would be to set up a meeting with yourself, other pertinent municipal staff members, if feasible legal counsel and myself early in the new year to discuss:

1. Does additional signage needs to be erected? If yes, what should it say and where should the additional signage be erected.
2. Should consideration be given to erecting signage for information purposes. For example:
 - advising users to stay on the trail – to protect the environment, sensitive plants and wildlife;
 - directional signs;
 - create a trail map, naming the trails and number of kilometers;
 - warn users that cellular service is limited.
3. If the message on the current unopened road allowance/fire route signs needs verbiage added advising only designated vehicles are allowed to travel on the unopened road allowance/fire route.
4. How best to address the issue of PPV's vehicles using the unopened road allowance/fire route. In particular should consideration be given to widen the section of the unopened road allowance/fire route that is being used by the two property owners?
5. How best to address the sections of the unopened road allowance/fire route that are being used by commercial vehicles, including parking of vehicles and equipment (the logging company). For example widen those sections of the unopened road allowance/fire route and build a designated parking lot. Would it make sense/would it be possible to limit the sections of the unopened road allowance/fire route that can be used by their commercial vehicles.

6. Should action be taken to try and prevent the use of motorbikes on the unopened road allowance/fire route e.g. using signage and better enforcement by the Peterborough Police?
7. To try and prevent the use of unauthorized vehicles on the unopened road allowance/fire route should gates be installed with fire staff having access to the keys or cutters in the event of an emergency? This may not be feasible if other users of the unopened road allowance/fire route cannot get around the gates. The use of the unopened road allowance/fire route by the logging company would also need to be addressed.
8. Build parking lots at specific entrances to the forest where individuals who want to use the forest for recreational purposes can park their cars. This would also create an opportunity to erect an informational sign."

In addition to the comments from the insurance company above, comments were requested from the Ed Veldboom, Municipal Solicitor which have been provided below:

"The same general principle has been carried through from the last major changes to the legislation concerning ATV/UTV (Off Road Vehicles) use on public highways. Province has opened the door to allow more types of vehicles to be used, but has given the municipalities the final say in their jurisdiction by allowing municipalities to restrict and/or prohibit use by by-law

The key aspect is that the authority and rules/regulations under the *Highway Traffic Act* are tied to the existence of a "highway". In this case it appears that the connection being considered could involve both maintained (but lightly used) roads and unopened road allowances; both are "highways" and as such the *Highway Traffic Act* does apply; however if unopened road allowances were actually closed by by-law, then the *Highway Traffic Act* would not apply (that could also apply to any opened section of highway along the boundary).

The other key aspect that must be considered is the fact that it is a boundary road/road that is being considered. Thus any by-law passed to address the issue of Off Road Vehicle Use (that affects a boundary road allowance) must be passed by both municipalities to have any effect. In that regard, boundary road allowances are subject to joint jurisdiction (i.e. boundary municipalities are "joint owners" and do not simply own its half of the boundary road allowance).

With respect to Robin McCleave's comments I agree with her cautionary remarks and recommendations. I think that further and specific consideration of the roads/road allowances at issue is required. For example some consideration of how winter maintenance is conducted must be factored into the equation. This gives rise to the question should any by-law that is passed include prohibitions on use during the winter maintenance period?"

Staff are requesting that with the information provided in this report that further direction be provided as to next steps with the proposed route as attached.

Financial Impact:

There is no financial impact at this time.

Attachment:

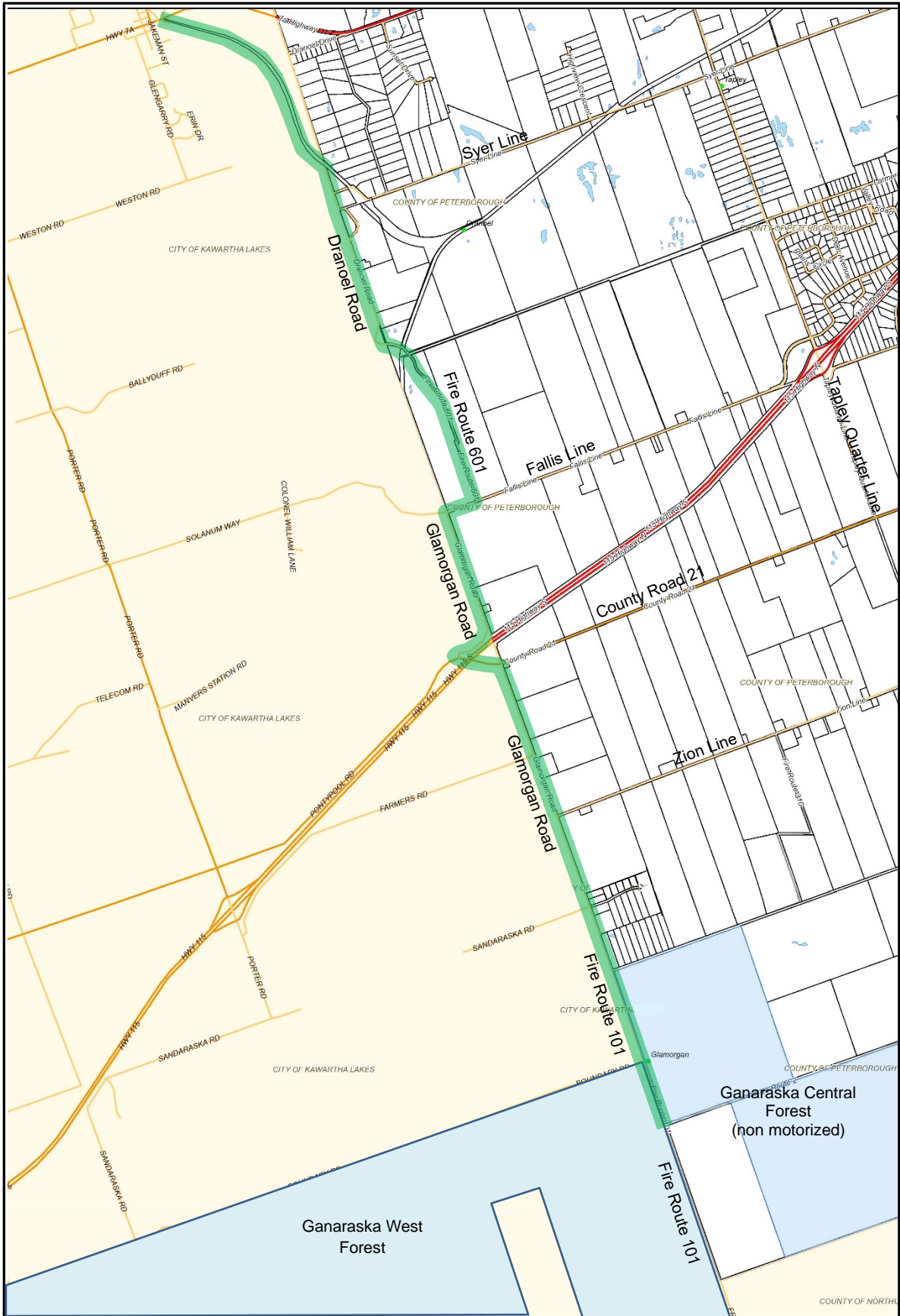
Map of off-road vehicle route connecting the Victoria Rail Trail to the Ganaraska Forest along the west side of the Township of Cavan Monaghan.

Respectfully submitted by,

Reviewed by,

Elana Arthurs
Clerk

Yvette Hurley
Chief Administrative Officer



July 10, 2020

Dear Municipal Stakeholder,

I am pleased to announce that as of **July 1, 2020** the province expanded the types of off-road vehicles permitted on-road to two new additional types: off-road motorcycles commonly known as dirt bikes; and, extreme terrain vehicles, which are semi-amphibious vehicles with six or more wheels. This updated regulation can be found at <https://www.ontario.ca/laws/regulation/030316>.

It is important to note that the same on-road access rules for existing off-road vehicles continue to apply for these new vehicles on provincial roadways (Please see Schedule B of *Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways*). Similarly to the previously permitted vehicle types, municipalities may permit the use of off-road motorcycles and extreme terrain vehicles in their local jurisdiction through by-law. However, municipalities with existing by-laws permitting off-road vehicles will need to amend their by-law after July 1, 2020 if they want to allow these the new types of vehicles on their local roads. By-laws created before July 1, 2020 apply only to those classes of off-road vehicle which were permitted to operate on-road at the time: all-terrain vehicles, two-up all-terrain vehicles, and side by sides (utility terrain-vehicles, recreational off highway vehicles).

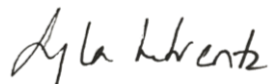
To support municipalities with these changes, the ministry has developed guidance documents to help municipalities decide whether to permit these new vehicles on their local roadways. These documents also provide guidance for proposed, yet to be proclaimed, changes for municipalities listed in Ontario Regulation 8/03 which will amend the way off-road vehicles are permitted on-road access to municipal roads. In municipalities listed in Ontario Regulation 8/03, off-road vehicles will automatically be allowed on municipal roads unless the municipality creates a by-law to prohibit or restrict their use. These new provisions have a target implementation date of January 1, 2021 and will replace the current requirement that those municipalities listed in Ontario Regulation 8/03 must enact a by-law to permit off-road vehicles to operate on identified municipal roads. If you have any questions regarding these future changes, please contact the general inquiry line for the Safety and Information Management office of the Operations Division at 905-704-2960.

For reference, the guidance documents are attached.

I would ask that you please forward this notice and enclosed guidance material to the attention of municipal staff in charge of traffic safety and those responsible for enforcing off-road vehicle laws in your area. If there are any questions regarding these amendments, please do not hesitate to contact the Acting Manager at the Safety Program Development Office Erik Thomsen at (647)-638-5210 or erik.thomsen@ontario.ca.

Thank you for your assistance in communicating this change.

Sincerely,







A handwritten signature in black ink, appearing to read "Angela Litrenta". The script is cursive and fluid.

Angela Litrenta
A/Director
Safety Program Development Branch
Ministry of Transportation

Attachment – Municipal Guidance Materials

Additional Off-road Vehicles Allowed On-road

Effective July 1, 2020, the Ministry of Transportation (MTO) is making changes to add off-road motorcycles (ORM) and extreme terrain vehicles (XTV) to the existing list of off-road vehicles (ORV) permitted on-road. These two new ORV types will be in addition to the currently permitted 4 wheeled ORV types.

Municipal Considerations	<p>Municipalities will continue to have the authority and make decisions about ORVs by way of by-law to:</p> <ul style="list-style-type: none">▶ Permit ORVs▶ Only allow specific ORVs on road▶ Only allow ORVs at specific hours of the day▶ Impose additional speed limits <p>ORV is a general term used to capture several different vehicles designed for off-road, however, only certain off-road vehicles that meet the requirements in Ontario Regulation 316/03 are permitted on-road:</p>	
All-Terrain Vehicles	<p>“A “single-rider” all-terrain vehicle (ATV) is designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator, handlebars for steering control and it must be designed by the manufacturer to carry a driver only and no passengers.</p> <p>A two-up ATV is designed and intended for use by an operator or an operator and a passenger. It is equipped with straddle-style seating and designed to carry only one passenger.</p>	 
Side-by-Sides	<p>A recreational off-highway vehicle (ROV) has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar.</p> <p>A utility terrain vehicle (UTV) has similar characteristics to an ROV but typically also features a box bed. UTVs are generally designed for utility rather than for recreational purposes.</p>	 
New Off-Road Vehicle Types	<p>Extreme Terrain Vehicles (XTVs), commonly referred to as Argos are 6+ wheeled off-road vehicles capable of riding in multiple terrains, including through water. These vehicles sometimes come with tracks, however, tracked versions are not being permitted on road and are restricted to off-road use only.</p> <p>Off-Road Motorcycles (ORMs) are 2 wheeled off-road vehicles that come in varying configurations such as, but not limited to: Recreational ORM, Trail ORM, Competition ORM, Dual sport ORM.</p>	 
July 1, 2020	<p>Vehicles permitted on any municipal road where a by-law is created to enable their use will continue to be permitted.</p> <p>MUNICIPAL BY-LAWS: Effective July 1, 2020, additional types of ORVs can be permitted on municipal roads and provincial roadways where local municipalities create new by-laws to enable their use (existing ORV by-laws granting access will not automatically permit new types; a new by-law will need to be passed after July 1, 2020).</p> <p>LICENCE REQUIREMENT: These new vehicle types will require at least a G2 or M2 licence, the same as other off-road vehicles. These vehicles do not come with lights so they are restricted from operating at night or when the weather is poor unless equipped with proper aftermarket lighting. Also, no passengers are allowed on ORMs.</p>	
Proposed for January 1, 2021	<p>Proposed for January 1, 2021, in municipalities listed in Regulation 8/03, all ORV vehicle types, including new vehicle types, will be permitted on municipal roads. Municipalities must create a by-law to restrict or prohibit their use.</p>	
More Information	<p>With respect to the enforcement of these laws, the police act independently when carrying out their duties. Any issues with the day-to-day operations of police services and the actions of its officers should be raised with the local chief of police or his/her representative. All set fines can be found on the Ontario Court of Justice website.</p> <p>This document is a guide only. For official purposes, please refer to the <i>Highway Traffic Act</i> and regulations. For more information, please visit Ontario.ca/ATV.</p>	

Additional Off-road Vehicles Allowed On-road (continued)



Existing Types permitted:
ATVs, Two-Up ATVs,
ROVs, UTVs



New Types:
ORMs and XTVs

Operator
Requirements

- Existing rider safety requirements:
- ▶ Must be at least 16 years old
 - ▶ Must hold at least a valid G2 or M2 licence
 - ▶ Wear an approved motorcycle helmet
 - ▶ Wear a seat belt, where provided
 - ▶ Travel at speeds less than the posted speed limit
 - ▶ Travel only on shoulder, and where unavailable, right most portion of the roadway
 - ▶ Be driven in the same direction as traffic
 - ▶ Carry the ATV/ORV's registration permit

- Rider safety requirements:
- ▶ Must hold at least a valid G2 or M2 licence (same as existing ORV types)
 - ▶ Must be at least 16 years old
 - ▶ Wear an approved motorcycle helmet
 - ▶ Wear a seat belt, where provided
 - ▶ Travel at speeds less than the posted speed limit
 - ▶ Travel only on shoulder, and where unavailable, right most portion of the
 - ▶ Be driven in the same direction as traffic
 - ▶ Carry the ATV/ORV's registration permit

Passenger
Safety
Requirements

- Existing passenger safety requirements:
- ▶ If the vehicle was manufactured with seat belts, everyone must buckle up
 - ▶ If the vehicle has passenger foot rests, the passenger must be able to reach these foot rests
 - ▶ The number of occupants is limited to the number of available seating positions
 - ▶ No passengers under the age of 8 are allowed and additional passenger restrictions apply if the driver is a young and novice driver with a minimum G2 or M2 licence
 - ▶ All riders – drivers and passengers – must wear an approved motorcycle helmet

- Passenger safety requirements
- ▶ **NEW** No passengers are permitted on ORM's while operating on-road
 - ▶ If the vehicle was manufactured with seat belts, everyone must buckle up
 - ▶ If the vehicle has passenger foot rests, the passenger must be able to reach these foot rests
 - ▶ The number of occupants is limited to the number of available seating positions
 - ▶ No passengers under the age of 8 are allowed and additional passenger restrictions apply if the driver is a young and novice driver with a minimum G2 or M2 licence
 - ▶ All riders – drivers and passengers – must wear an approved motorcycle helmet







Vehicle
Requirements










- ▶ Be registered and plated
- ▶ Be insured
- ▶ Must have wheels in contact with the ground
- ▶ Be compliant with one of the ANSI/COHV standards listed in s.10 of Ontario Regulation 316/03 (certification label commonly found near footrest)
- ▶ Have headlights and taillights on at all times

- ▶ **NEW** Exempted from the standards listed in s.10
- ▶ **NEW** As an alternative to the standards listed in s.10 of Ontario Regulation 316/03 XTVs must comply with sections 7.2, 7.3, 7.4, 7.5 (other than section 7.5.1), 7.6, 7.7, 7.8 and 7.9 of the Society of Automotive Engineers Standard J2258, entitled “Light Utility Vehicles” (braking ability, lighting, rollover protection)
- ▶ **NEW** XTVs that are tracked are not permitted on-road
- ▶ **NEW** Have headlights and taillights on between sunset and sunrise (nighttime riding) or when the weather is unfavourable
- ▶ **NEW** ORM's must have a minimum wheel rim diameter of 250 mm, and has a minimum wheelbase of 1 016 mm (to prevent pocket bikes)
- ▶ **NEW** ORM's may meet federal definition for Restricted Use Motorcycles, and would need to meet federal standards, or may be Competition Vehicles, for which no federal standards apply
- ▶ Be registered and plated
- ▶ Be insured
- ▶ Must have wheels in contact with the ground

Off-Road Vehicles

During 2019, the Ministry of Transportation made two legislative amendments to the *Highway Traffic Act* to improve the experience of off-road vehicle (ORV) riding in the province. These changes, outlined within this infographic, have two effective dates: One set of changes became effective as of July 1, 2020 and the second set of changes are proposed to take effect January 1, 2021.

Common ORV Types	All Terrain Vehicles (ATVs)		Side-by-Sides		New ORV Types	
	 “single-rider” all-terrain vehicle (ATV)	 two-up all-terrain vehicle (two-up ATV)	 recreational off-highway vehicle (ROV)	 utility terrain vehicle (UTV)	 off-road motorcycle (ORM)	 extreme terrain vehicle (XTV)

	Municipality A Default speed limit less than 80km/h	Better for People, Smarter for Business Act	Getting Ontario Moving Act
Municipality B Municipalities listed in Regulation 8/03)	<p>Current vehicles permitted on road</p>  <p>Permitted on ANY municipal road where a by-law is created to enable their use</p> <p>Not permitted on road Restricted to off road use</p> 	 <p>Where a by-law is/was created to enable their use, these vehicles types or vehicles will continue to be permitted on any municipal road</p> <p>Additional by-law/amended existing by-law is required to permit new vehicle types</p>  <p>By-laws made before July 1, 2020 will not automatically permit these vehicles</p>	<p>No changes</p> <p>Where a by-law is/was created to enable their use, these vehicles types or vehicles will continue to be permitted on any municipal road</p> <p>Additional by-law/amended existing by-law is required to permit new vehicle types</p>  <p>No changes</p> <p>By-laws made before July 1, 2020 will not automatically permit these vehicles</p>
	<p>Current vehicles permitted on road</p>  <p>Permitted on ANY municipal road where a by-law is created to enable their use</p> <p>Not permitted on road Restricted to off road use</p> 	 <p>Where a by-law is/was created to enable their use, these vehicles types will continue to be permitted on any municipal road</p> <p>Additional by-law/amended existing by-law is required to permit new vehicle types</p>  <p>By-laws made before July 1, 2020 will not automatically permit these vehicles</p>	<p>In municipalities listed in Regulation 8/03, all ORV vehicle types, including new vehicle types, will be permitted on municipal roads.</p> <p>Municipalities must create a by-law to restrict or prohibit their use</p> <p>OPT - IN ← OPT - OUT →</p>